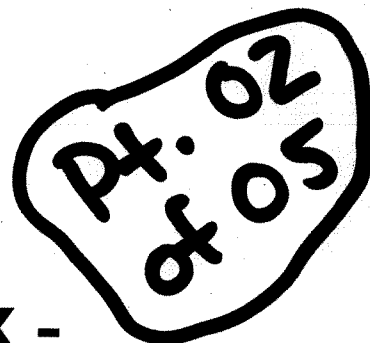




State of Wisconsin  
LEGISLATIVE REFERENCE BUREAU



**RESEARCH APPENDIX -**  
**PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transfer Requested: 09/20/2005 (Per: MGD)



☞ The 2005 drafting file for LRB 05-0569/3

has been copied/added to the 2005 drafting file for

**LRB 05-3685**

☞ The attached 2005 draft was incorporated into the new 2005 draft listed above. For research purposes, this cover sheet and the attached drafting file were copied, and added, as a appendix, to the new 2005 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

☞ This cover sheet was added to rear of the original 2005 drafting file. The drafting file was then returned, intact, to its folder and filed.



State of Wisconsin  
2005 - 2006 LEGISLATURE

FRIDAY

2  
LRB-0569/X  
MGD&CMH:wj:rs

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stays

2005 BILL

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1 AN ACT *to renumber and amend* 29.091, 29.621 (4), 941.23, 941.235 (2) and  
2 943.13 (2); *to amend* 23.33 (3) (e), 29.089 (2), 51.20 (13) (cv) 4., 51.20 (16) (gm),  
3 51.30 (3) (a), 165.82 (1) (intro.), 165.82 (2), 175.35 (1) (at), 175.35 (2) (d), 175.35  
4 (2g) (c) 4. a. and b., 175.35 (2k) (ar) 2., 440.26 (3m), 813.12 (6) (am) 1., 813.12  
5 (6) (am) 2., 813.122 (9) (am) 1., 813.122 (9) (am) 2., 813.125 (5r) (a), 813.125 (5r)  
6 (b), 885.235 (1g) (intro.), 938.396 (8), 941.20 (1) (a), 941.20 (1) (b), 941.295 (2)  
7 (d), 943.13 (1m) (b) and 943.13 (3); and *to create* 29.091 (2), 29.621 (4) (b), 55.06  
8 (17) (d), 59.25 (3) (u), 165.25 (11), 167.31 (4) (ar), 175.35 (1) (am), 175.50,  
9 885.235 (1g) (e), 938.396 (8m), 941.20 (1) (bm), 941.23 (1) (a), 941.23 (1) (b),  
10 941.23 (1) (c), 941.23 (2), 941.235 (2) (c), 941.237 (3) (ct), 941.295 (2g), 941.295  
11 (2r), 943.13 (1e) (bm), 943.13 (1e) (g), 943.13 (1m) (c), 943.13 (2) (bm), 946.32 (3),  
12 948.605 (2) (c) and 948.61 (3m) of the statutes; **relating to:** carrying or going  
13 armed with a concealed weapon, background checks for handgun purchases,

**BILL**

- 1 requiring the exercise of rule-making authority, providing an exemption from  
2 rule-making authority, and providing penalties.

***Analysis by the Legislative Reference Bureau******Current Law***

Under current law, no person other than a peace officer may go armed with a concealed and dangerous weapon. The "going armed with" language applies to, among others, cases in which a person is carrying a concealed weapon but has not gone and is not going anywhere with it and cases in which a weapon is readily accessible to — but not physically carried by — a person in a car. A person who violates the prohibition on going armed with a concealed and dangerous weapon may be fined not more than \$10,000 or imprisoned for not more than nine months or both. But under *State v. Hamdan*, 2003 WI 113, 264 Wis. 2d 433, it is unconstitutional to apply this prohibition to a person carrying a concealed weapon at his or her own business when: 1) the person's interest in carrying a concealed weapon substantially outweighs the state's interest in enforcing the concealed weapons law; 2) the person has no other reasonable means to keep and handle the weapon; and 3) the person is not motivated by an unlawful purpose in concealing it. The *Hamdan* court also indicated that the constitutional right to keep and bear arms for security must permit a person to carry a concealed weapon under certain circumstances in his or her own home.

Current law prohibits, with certain exceptions, going armed with or possessing a firearm in a number of places, such as in a public building, tavern, state park, or wildlife refuge or within 1,000 feet of the grounds of a school. Current law also prohibits, with certain exceptions, carrying a loaded or unencased firearm in an automobile, motorboat, or airplane. Moreover, no person may operate or go armed with a firearm while under the influence of alcohol, a controlled substance, or any other intoxicant. A person who violates one of these prohibitions is subject to civil or criminal penalties.

***Carrying a concealed weapon in your own home or business***

This bill permits a person to go armed with a concealed and dangerous weapon in his or her own home or place of business or on land that he or she owns, leases, or legally occupies, unless the person is prohibited under federal or state law from possessing that weapon (prohibitions that apply to firearms if, among other things, the person has been convicted of a misdemeanor crime of domestic violence or a felony; the person unlawfully uses a controlled substance; the person has been involuntarily committed to a mental health facility; or the person is subject to a stalking, harassment, or domestic abuse restraining order or a harassment, domestic abuse, or child abuse injunction).

***Licenses to carry a concealed weapon***

This bill creates a procedure by which a person may apply to ~~a county sheriff~~ <sup>the department of justice (DOJ)</sup> for a license to carry a concealed weapon more generally. The license authorizes a

**BILL**

person to carry (defined in the bill to mean to go armed with) a concealed weapon (defined in the bill as a handgun, a stungun, a tear gas gun, a knife other than a switchblade, or a billy club) anywhere in this state except in particular places specified in the bill. These specified places include a police station, sheriff's office, or state patrol station; a prison or jail; a tavern or a restaurant with a liquor license (unless: 1) the person owns or manages the tavern or restaurant or 2) the person is otherwise authorized to possess a handgun at the tavern or restaurant); a school administration building; an airport; a building used for religious purposes, for child care, or by a domestic violence services program or a health care facility or physician's clinic or office (unless the owner or authorized representative permits a person to carry a concealed weapon there); a building located on a college or university campus; a kindergarten facility; a building owned by the state or a local government if the building provides electronic screening and locked storage for weapons; and any place in which federal law prohibits the carrying of a weapon.

In addition, the bill permits a business owner or person in his or her own home to prohibit a licensee from carrying a concealed weapon into the business or home. A business owner, however, may enforce this restriction against an individual only if he or she has posted a notice regarding the restriction in a prominent place and has personally and orally notified the individual of the restriction. Moreover, a private employer may prohibit an employee from carrying a concealed weapon in the course of the employee's employment unless the employee is in his or her own vehicle.

The bill also prohibits any person from carrying a concealed weapon while having a blood alcohol concentration that exceeds 0.08. A law enforcement officer who arrests a person for violating that prohibition or for carrying a concealed weapon while under the influence of an intoxicant may require the person to submit to a breath, blood, or urine test to detect the presence of alcohol, controlled substances, or any other intoxicant.

In addition to authorizing licensees to carry concealed weapons, the bill exempts licensees from the prohibition on possessing firearms in a school zone under certain circumstances. Specifically, the bill authorizes a licensee to carry a handgun in a school zone if: 1) the licensee is in a motor vehicle or on a snowmobile or bicycle; 2) the licensee has exited from a motor vehicle and is encasing the handgun or storing it in the motor vehicle; or 3) the licensee is traveling directly between any two of the following places: any person's private property, the licensee's place of employment or business, or a place outside of the school zone. This exemption does not apply if the licensee is on the school grounds.

**Licensing requirements and procedure** DOJ

Under the bill, ~~every sheriff~~ must issue a license to carry a concealed weapon to a person who meets the qualifications established in the bill for the license unless a court (in a procedure described below) has authorized the sheriff not to issue the license or unless the county board of the sheriff's county decides by a two-thirds vote, taken before the fourth month after the bill becomes law, to authorize the sheriff not to issue concealed weapons licenses. The county board's vote does not prohibit the sheriff from issuing licenses; he or she may still choose to do so. The bill also allows two or more sheriffs to enter into cooperative agreements under which the sheriffs

## BILL

may jointly issue licenses to carry a concealed weapon or exercise their other responsibilities under the bill.

The bill specifies the requirements that a person must satisfy to qualify for a license to carry a concealed weapon. Included among the requirements are the following: 1) he or she must be at least 21 years old; 2) he or she must not have a physical disability that prevents him or her from safely handling a weapon; 3) he or she must be eligible to possess a firearm under federal law; 4) he or she must not be prohibited from possessing a firearm under state law due to a felony conviction, a juvenile delinquency adjudication, an order issued in a civil commitment case, or any other order prohibiting the person from possessing a firearm; 5) he or she must not have been committed for the treatment of drug dependency during the preceding three years; 6) he or she must not have been convicted of an offense relating to controlled substances during the preceding three years; 7) he or she must not chronically or habitually use alcohol or other substances to the extent that his or her normal faculties are impaired; 8) he or she must have successfully completed a firearms training or safety course or class providing information on electric weapons <sup>with some exceptions</sup> and covering certain topics specified in the bill ~~unless the sheriff determines that the person should be exempt from that requirement based on his or her military training or experience in shooting competitions~~; 9) he or she must not have been subject to a finding of incompetency, the subject of a protective placement as a minor based on a developmental disability, found not guilty of a crime by reason of mental disease or mental defect, or involuntarily committed for treatment of mental illness during the preceding five years; 10) he or she must not have been convicted of one of a set of specified misdemeanors or serving a sentence for committing such a misdemeanor within the preceding three years; and 11) he or she must be a Wisconsin resident.

In addition, the bill requires the Department of Justice (DOJ) to conduct a background check of a person who applies for a license to carry a concealed weapon to help determine the person's eligibility for a license. The background check requirement does not apply to a person applying for a license if the person is a law enforcement officer, a correctional officer, a probation and parole agent, or a person holding a current certification from the law enforcement standards board. DOJ

If ~~the sheriff~~ determines that an applicant for a license is ineligible under one of these requirements, ~~the sheriff~~ must deny the person's application. Otherwise, ~~the sheriff~~ must issue the person a license within ~~30~~ <sup>21</sup> days of receiving the completed application, but with one exception. If an applicant committed a misdemeanor described in item 10) above that, because of the passage of time, no longer disqualifies him or her from obtaining a license, and the sheriff believes that the person would pose a substantial risk to others if he or she were granted a license, the sheriff may petition the circuit court to enter an order barring the person from receiving a license. The court may enter the order only if it determines, by clear and convincing evidence, that the person would pose a substantial risk to others if he or she were granted a license. DOJ

Furthermore, the bill does all of the following:

## BILL

1. Allows ~~a sheriff~~ <sup>DOJ</sup> to issue an emergency license to an individual if ~~the sheriff~~ <sup>DOJ</sup> determines that immediate licensure is warranted to protect the individual from death or great bodily harm.

2. Provides that a license to carry a concealed weapon is valid for five years and establishes a renewal procedure that includes a background check of the person renewing the license.

3. Requires ~~a sheriff~~ <sup>DOJ</sup> to revoke a license to carry a concealed weapon if the licensee no longer meets all of the requirements for licensure.

4. Requires ~~a sheriff~~ <sup>DOJ</sup> to suspend a license to carry a concealed weapon if the licensee is the subject of a civil or criminal case that may ultimately lead to the revocation of the license or if the licensee, after being charged with a misdemeanor, is ordered by the court not to possess a firearm.

5. Provides that a person whose application for a license is denied <sup>DOJ's</sup> or whose license is suspended or revoked by ~~the sheriff~~ <sup>DOJ</sup> may appeal ~~the sheriff's~~ <sup>DOJ's</sup> action to circuit court for review by a judge.

6. Specifies the information that must be on a license to carry a concealed weapon and an application for such a license and requires <sup>DOJ</sup> to design the form of the license and the license application and renewal forms.

7. Requires DOJ to keep a computerized list of licensees but specifies that DOJ may provide information from that list regarding a specific licensee only to law enforcement agencies and only in certain specified circumstances.

8. Requires each circuit court, through its computer system, or the clerk of the court or the register in probate if the court's computer system cannot do so, to notify DOJ of court proceedings relating to licensees and nonlicensees (including juvenile delinquency and mental health commitment proceedings that are closed to the public) if those proceedings will require suspension or revocation of the person's license if he or she is a licensee.

9. Requires each licensee to notify ~~the sheriff~~ <sup>DOJ</sup> within ten days after being charged with a crime or a drunk driving offense under federal law or the law of another state.

10. Requires a person who applies for, or applies to renew, a license to carry a concealed weapon to pay the following: (a) ~~an application fee which may not exceed either the cost to the sheriff of issuing the license or \$75, whichever is less, to be deposited into the general fund of the county of application, except that any moneys that exceed the county's costs in issuing the license must be deposited into a fund to be used by the sheriff for law enforcement purposes or to make payments as directed by the sheriff;~~ <sup>\$52 to be deposited in the general fund of the state</sup> (b) a \$15 shooting range improvement fee, to be deposited ~~into the general fund of the county of application;~~ <sup>with</sup> (c) an \$8 background check fee (unless, in the case of a person applying for an emergency license, ~~the sheriff waives the fee~~); and (d) a ~~\$15 law enforcement excellence fund fee, to be used by the sheriff to improve law enforcement services in his or her county.~~

11. Grants immunity from liability for conduct undertaken in good faith under the bill to DOJ and its employees; sheriffs and their employees; various other court and county employees; persons providing firearm training or safety classes; business

in which the application is to be used for shooting range improvement

grants immunity awarded by the sheriff of the county

and

DOJ

**BILL**

or nonprofit organizations that permit persons to carry concealed weapons on their property; and employers that permit their employees to carry concealed weapons.

12. Treats a license or permit issued by another state in the same manner as a license issued under this bill if the state required the person to submit to a background check as a condition of licensure and to undergo firearm training that has requirements that are similar to the firearm training requirements for licensure in this state.

***New and revised penalties***

The bill establishes new penalties and changes certain others for offenses relating to licenses to carry a concealed weapon. First, a licensee who fails to carry his or her license document or who fails to display it upon the request of a law enforcement officer while the person is carrying a concealed weapon may be required to forfeit \$25. Second, a licensee who carries a concealed weapon in a place where the license does not authorize him or her to do so, other than a home or business where a resident or business owner has imposed his or her own restriction on carrying a concealed weapon, may be fined not more than \$1,000 or imprisoned for not more than 90 days or both. Third, if a person has a blood alcohol concentration that exceeds 0.08 or is under the influence of an intoxicant while carrying a concealed weapon, the person may be fined not more than \$1,000 or imprisoned for not more than 90 days or both. The same penalties apply if, after a person is arrested for carrying a concealed weapon under those circumstances, he or she refuses to submit to a breath, blood, or urine test. At the same time, the bill exempts a licensee who is carrying a concealed handgun from the prohibition in current law against going armed with a firearm while under the influence of an intoxicant, a conviction for which would otherwise result in: 1) the person being subject, as a Class A misdemeanor, to a maximum fine of \$10,000 or a maximum term of imprisonment of nine months or both; and 2) the person being ineligible for a license. Fourth, under current law, possession of a firearm in a school zone is a Class I felony (punishable by a maximum fine of \$10,000 or a maximum term of imprisonment of three and one-half years or both), while possessing other types of dangerous weapons on school grounds is a Class A misdemeanor or, for a repeat offender, a Class I felony. A conviction under either of these provisions would also make a person ineligible for a license. This bill exempts licensees from these penalties. Instead, licensees who carry handguns in a school zone in places or under circumstances in which he or she may not do so or who carry electric weapons, ~~tear gas guns~~ knives, or billy clubs on school grounds are subject to a maximum fine of \$1,000 or a maximum term of imprisonment of 90 days or both. Fifth, a person who does any of the following must be fined not less than \$500 nor more than \$10,000 and may be imprisoned for not more than nine months: 1) intentionally makes a false statement in an application for a license; 2) intentionally fails to report being charged under federal law or the law of another state with any crime or any drunk driving offense within ten days after being charged; or 3) intentionally fails to relinquish a license document to ~~sheriff~~ after the license has been revoked.

005

**BILL*****Background checks for handgun purchasers***

This bill makes certain changes in the law relating to background checks for handgun purchasers. Under current law, when a person seeks to purchase a handgun from a licensed handgun dealer, the dealer must ask DOJ to conduct a background check on the person. In conducting the background check, DOJ searches DOJ records to determine whether the person is ineligible to possess a firearm under state law, but it does not attempt to determine whether federal law bars the person from possessing a firearm based on criteria not covered by state law. This bill requires DOJ, when conducting a background check on a prospective handgun purchaser, to determine whether the person has been the subject of a court order or finding in a Wisconsin court based on the person's mental health that would render the person ineligible to possess a firearm under federal law. Specifically, DOJ must determine if: 1) the person was the subject of a court order committing the person for treatment in an inpatient mental health facility or a finding by a court that the person is a danger to himself or herself or others or lacks the mental capacity to contract or manage his or her own affairs; 2) the person did not commence the proceeding in which the order was entered or the finding was made; and 3) the order or finding was based on the person having markedly subnormal intelligence or the person's mental illness, incompetency, condition, or disease. If DOJ determines that the prospective purchaser was the subject of such an order or determination, the dealer may not sell the person a handgun.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

- 1           **SECTION 1.** 23.33 (3) (e) of the statutes is amended to read:
- 2           23.33 (3) (e) With any firearm in his or her possession unless it is unloaded and
- 3           enclosed in a carrying case, ~~or. This paragraph does not apply to the possession of~~
- 4           a handgun, as defined in s. 175.50 (1) (bm), by a person who holds a valid license to
- 5           carry a concealed weapon issued under s. 175.50 or by an out-of-state licensee, as
- 6           defined in s. 175.50 (1) (g).
- 7           ~~(em)~~ With any bow unless it is unstrung or enclosed in a carrying case.

**BILL**

1           **SECTION 2.** 29.089 (2) of the statutes is amended to read:

2           29.089 (2) Except as provided in sub. (3), no person may have in his or her  
3           possession or under his or her control a firearm on land located in state parks or state  
4           fish hatcheries unless the firearm is unloaded and enclosed within a carrying case.  
5           This subsection does not apply if the firearm is a handgun, as defined in s. 175.50 (1)  
6           (bm), and the person holds a valid license to carry a concealed weapon issued under  
7           s. 175.50 or an out-of-state licensee, as defined in s. 175.50 (1) (g).

8           **SECTION 3.** 29.091 of the statutes is renumbered 29.091 (1) and amended to  
9           read:

10          29.091 (1) No person may hunt or trap within any wildlife refuge established  
11          under s. 23.09 (2) (b) or 29.621 (1), or, except as provided in sub. (2), have possession  
12          or control of any gun, firearm, bow or crossbow unless the gun or firearm is unloaded,  
13          the bow or crossbow is unstrung and the gun, firearm, bow or crossbow is enclosed  
14          within a carrying case. The taking of predatory game birds and animals shall be done  
15          as the department directs. All state wildlife refuge boundary lines shall be marked  
16          by posts placed at intervals of not over 500 feet and bearing signs with the words  
17          "Wisconsin Wildlife Refuge".

18          **SECTION 4.** 29.091 (2) of the statutes is created to read:

19          29.091 (2) The prohibition of the possession or control of a loaded or unencased  
20          gun or firearm in sub. (1) does not apply to the possession of a handgun, as defined  
21          in s. 175.50 (1) (bm), by a person who holds a valid license to carry a concealed weapon  
22          issued under s. 175.50 or by an out-of-state licensee, as defined in s. 175.50 (1) (g).

23          **SECTION 5.** 29.621 (4) of the statutes is renumbered 29.621 (4) (a) and amended  
24          to read:

**BILL**

1           29.621 (4) (a) Except as provided in s. 29.091 (1), no owner of a wildlife refuge,  
2           and no other person, may hunt or trap within the boundaries of any wildlife refuge  
3           or, except as provided in par. (b), have in his or her possession or under his or her  
4           control in the wildlife refuge a gun, firearm, bow or crossbow, unless the gun or  
5           firearm is unloaded, the bow or crossbow is unstrung and the gun, firearm, bow or  
6           crossbow is enclosed within a carrying case. Nothing in this section may prohibit,  
7           prevent or interfere with the department in the destruction of injurious animals.

8           **SECTION 6.** 29.621 (4) (b) of the statutes is created to read:

9           29.621 (4) (b) The prohibition of the possession or control of a loaded or  
10          unencased gun or firearm in par. (a) does not apply to the possession of a handgun,  
11          as defined in s. 175.50 (1) (bm), by a person who holds a valid license to carry a  
12          concealed weapon issued under s. 175.50 or an out-of-state licensee, as defined in  
13          s. 175.50 (1) (g).

14          **SECTION 7.** 51.20 (13) (cv) 4. of the statutes is amended to read:

15          51.20 (13) (cv) 4. If the court prohibits a subject individual from possessing a  
16          firearm under subd. 1. or cancels a prohibition under subd. 2., the court clerk shall  
17          notify the department of justice of that fact and provide any information identifying  
18          the subject individual that is necessary to permit an accurate involuntary  
19          commitment history record search under s. 175.35 (2g) (c) or a background check  
20          under s. 175.50 (9g) (b). No other information from the subject individual's court  
21          records may be disclosed to the department of justice except by order of the court.  
22          The department of justice may disclose information provided under this subdivision  
23          only as part of an involuntary commitment history record search under s. 175.35 (2g)  
24          (c) or a background check under s. 175.50 (9g) (b) or to a sheriff under s. 175.50 (9g)  
25          (b) 3. a. or c. or (e) 1., (9r) (b) 2., or (11) (d) 2.

## BILL

## SECTION 8

1       **SECTION 8.** 51.20 (16) (gm) of the statutes is amended to read:

2       51.20 (16) (gm) Upon a request under par. (a), a court may cancel the  
3 prohibition under sub. (13) (cv) 1. if the court determines, based on evidence  
4 presented on the issue of the subject individual's dangerousness, that there no longer  
5 is a substantial probability that the individual may use a firearm to cause physical  
6 harm to himself or herself or endanger public safety. If a court cancels a prohibition  
7 under sub. (13) (cv) 1. under this paragraph, the court clerk shall notify the  
8 department of justice of that fact and provide any information identifying the subject  
9 individual that is necessary to permit an accurate involuntary commitment record  
10 search under s. 175.35 (2g) (c) or a background check under s. 175.50 (9g) (b). No  
11 other information from the subject individual's court records may be disclosed to the  
12 department of justice except by order of the court.

13       **SECTION 9.** 51.30 (3) (a) of the statutes is amended to read:

14       51.30 (3) (a) Except as provided in pars. (b) and (c) and s. 175.50 (11) (d) 2. g.  
15 and 3. and under rules that the department of justice promulgates under s. 175.35  
16 (2g) (c) 3. or 175.50 (9g) (f), the files and records of the court proceedings under this  
17 chapter shall be closed but shall be accessible to any individual who is the subject of  
18 a petition filed under this chapter.

19       **SECTION 10.** 55.06 (17) (d) of the statutes is created to read:

20       55.06 (17) (d) Notwithstanding par. (a), information from records described in  
21 par. (a) may be disclosed under rules that the department of justice promulgates  
22 under s. 175.35 (2g) (c) 3. or 175.50 (9g) (f).

23       **SECTION 11.** 59.25 (3) (u) of the statutes is created to read:

24       59.25 (3) (u) 1. Deposit all of the following into the segregated fund of the county.

*Establish a segregated fund for the purpose of which may be used  
by the sheriff to award shooting range grants under s. 175.50 (20m) 20*

*created under subd 10*  
*no 91*

## BILL

1 a. Except as provided in subd. 4. b., all money received by the sheriff under s.  
2 175.50 (7) (bd) or (15) (b) 4. c., or, if the sheriff is a party to an agreement under s.  
3 175.50 (2) (c), all money allocated to the sheriff under the agreement from money  
4 received under s. 175.50 (7) (bd) or (15) (b) 4. a.

5 b. All money received by the sheriff under s. 175.50 (7) (bp), (13), and (15) (b)  
6 4. c., or, if the sheriff is a party to an agreement under s. 175.50 (2) (c), all money  
7 allocated to the sheriff under the agreement from money received under s. 175.50 (7)  
8 (bp), (13), and (15) (b) 4. c.

9 2. Forward all money received under s. 175.50 (7) (bh) and (15) (b) 4. b. to the  
10 state treasurer for deposit in the general fund.

11 3. Deposit in the law enforcement excellence fund established under s. 175.50  
12 (20) all money received by the sheriff under s. 175.50 (7) (bt) and (15) (b) 4. d., or, if  
13 the sheriff is a party to an agreement under s. 175.50 (2) (c), all money allocated to  
14 the sheriff under the agreement from money received under s. 175.50 (7) (bt) and (15)  
15 (b) 4. d., and make payments from the fund for the purposes of s. 175.50 (20) (b).

16 4. a. Establish a segregated fund, payments from which may be used by the  
17 sheriff for law enforcement purposes but which may not be used to supplant or  
18 replace other funds otherwise available to the sheriff.

19 b. Deposit into the fund established under subd. 4. a. the amount of money, as  
20 determined by the treasurer, by which the money deposited into the general fund of  
21 the county under subd. 1. a. exceeds the county's costs in issuing licenses to carry a  
22 concealed weapon under s. 175.50, including any such costs incurred under an  
23 agreement under s. 175.50 (2) (c).

24 3. Make payments from the fund established under subd. 4. a. as directed by  
25 the sheriff.

## BILL

## SECTION 12

1 SECTION 12. 165.25 (11) of the statutes is created to read:

2 165.25 (11) RULES REGARDING CONCEALED WEAPONS LICENSE (a) Promulgate  
3 rules specifying all of the following:

4 1. A procedure by which a sheriff may file a petition under s. 175.50 (10m) and  
5 a license may be revoked under s. 175.50 (14) with respect to a person who is issued  
6 a license under s. 175.50 (9r) and who, as a result of being licensed, poses a  
7 substantial risk to others.

8 2. A procedure to provide sheriffs notice of any order entered under s. 175.50  
9 (10m) prohibiting a person from being licensed to carry a concealed weapon.

10 (b) Determine which states issue permits or licenses to carry a concealed  
11 weapon to persons who meet firearms training requirements similar to those in s.  
12 175.50 (4m) (a) to (g) and pass criminal background checks in those states and  
13 promulgate by rule a list of those states.

14 SECTION 13. 165.82 (1) (intro.) of the statutes is amended to read:

15 165.82 (1) (intro.) Notwithstanding s. 19.35 (3), the department of justice shall  
16 impose the following fees, plus any surcharge required under sub. (1m), for criminal  
17 history searches for purposes unrelated to criminal justice or to s. 175.35 or 175.50:

18 ~~SECTION 14. 165.82 (2) of the statutes is amended to read:~~

19 ~~165.82 (2) Except as provided in s. ss. 175.35 and 175.50, the department of~~  
20 ~~justice shall not impose fees for criminal history searches for purposes related to~~  
21 ~~criminal justice.~~

22 SECTION 15. 167.31 (4) (ar) of the statutes is created to read:

23 167.31 (4) (ar) Subsections (2) (a), (b), and (c) and (3) (a) and (b) do not apply  
24 to the placement, possession, transportation, or loading of a handgun, as defined in

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1 s. 175.50 (1) (bm), by a person who holds a valid license to carry a concealed weapon  
2 issued under s. 175.50 or an out-of-state licensee, as defined in s. 175.50 (1) (g).

3 **SECTION 16.** 175.35 (1) (am) of the statutes is created to read:

4 175.35 (1) (am) "Disqualifying mental health adjudication" means one of the  
5 following events if it occurs in a proceeding that was not commenced by the person  
6 who is the subject of the proceeding and if it is based on the person having markedly  
7 subnormal intelligence or the person's mental illness, incompetency, condition, or  
8 disease:

9 1. An order entered by a court in this state that commits a person for treatment  
10 in an inpatient mental health facility.

11 2. A determination by a court in this state that a person is a danger to himself  
12 or herself or others under s. 51.20 (1) (a) 2. or lacks the mental capacity to contract  
13 or manage his or her own affairs.

14 **SECTION 17.** 175.35 (1) (at) of the statutes is amended to read:

15 175.35 (1) (at) "Firearms restrictions record search" means a search of  
16 department of justice records to determine whether a person seeking to purchase a  
17 handgun is prohibited from possessing a firearm under s. 941.29 or based on a  
18 disqualifying mental health adjudication. "Firearms restriction record search"  
19 includes a criminal history record search, a search to determine whether a person is  
20 prohibited from possessing a firearm under s. 51.20 (13) (cv), a search to determine  
21 whether the person is subject to an injunction under s. 813.12 or 813.122, or a tribal  
22 injunction, as defined in s. 813.12 (1) (e), issued by a court established by any  
23 federally recognized Wisconsin Indian tribe or band, except the Menominee Indian  
24 tribe of Wisconsin, that includes notice to the respondent that he or she is subject to  
25 the requirements and penalties under s. 941.29 and that has been filed with the

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1 circuit court under s. 806.247 (3), and a search to determine whether the person is  
2 prohibited from possessing a firearm under s. 813.125 (4m).

3 **SECTION 18.** 175.35 (2) (d) of the statutes is amended to read:

4 175.35 (2) (d) Forty-eight hours, subject to extension under sub. (2g) (c) 4. c.,  
5 have elapsed from the time that the firearms dealer has received a confirmation  
6 number regarding the firearms restrictions record search under sub. (2g) (c) from the  
7 department of justice and the firearms dealer has not been notified that the transfer  
8 would be in violation of s. 941.29 or that the transferee would be prohibited from  
9 possessing a firearm based on a disqualifying mental health adjudication.

10 **SECTION 19.** 175.35 (2g) (c) 4. a. and b. of the statutes are amended to read:

11 175.35 (2g) (c) 4. a. If the search indicates that the transferee is prohibited from  
12 possessing a firearm under s. 941.29 or based on a disqualifying mental health  
13 adjudication, the department shall provide the firearms dealer with a unique  
14 nonapproval number. The department may not disclose to the firearms dealer the  
15 reason the transferee is prohibited from possessing a firearm ~~under s. 941.29.~~

16 b. If the search indicates that the transferee is not prohibited from possessing  
17 a firearm under s. 941.29 or based on a disqualifying mental health adjudication, the  
18 department shall provide the firearms dealer with a unique approval number.

19 **SECTION 20.** 175.35 (2k) (ar) 2. of the statutes is amended to read:

20 175.35 (2k) (ar) 2. Check each duplicate notification form received under sub.  
21 (2j) against the information recorded by the department regarding the corresponding  
22 request for a firearms restrictions record search under sub. (2g). If the department  
23 previously provided a unique approval number regarding the request and nothing  
24 in the duplicate completed notification form indicates that the transferee is  
25 prohibited from possessing a firearm under s. 941.29 or based on a disqualifying

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1 mental health adjudication, the department shall destroy all records regarding that  
2 firearms restrictions record search within 30 days after receiving the duplicate form.

3 **SECTION 21.** 175.50 of the statutes is created to read:

4 **175.50 License to carry a concealed weapon. (1) DEFINITIONS.** In this  
5 section:

6 (ab) “Alcohol beverages” has the meaning given in s. 125.02 (1).

7 (abm) “Alcohol concentration” has the meaning given in s. 340.01 (1v).

8 (ac) “Background check” means a search of department and court records  
9 conducted under sub. (9g) to determine a person’s eligibility for a license to carry a  
10 concealed weapon.

11 (ag) Except in subs. (2g) (b) and (11) (c) 1. b., “carry” means to go armed with.

12 (ah) “Controlled substance” means a controlled substance, as defined in s.  
13 961.01 (4), or a controlled substance analog, as defined in s. 961.01 (4m).

14 (aj) “Department” means the department of justice.

15 (am) “Drunk driving offense” means any of the following:

16 1. A violation of s. 346.63 or a local ordinance in conformity with that section.

17 2. A violation of a law of a federally recognized American Indian tribe or band  
18 in this state in conformity with s. 346.63.

19 3. A violation of the law of another jurisdiction, as defined in s. 340.01 (41m),  
20 that prohibits use of a motor vehicle while intoxicated, while under the influence of  
21 a controlled substance, a controlled substance analog, or a combination thereof, with  
22 an excess or specified range of alcohol concentration, or while under the influence of  
23 any drug to a degree that renders the person incapable of safely driving, as those or  
24 substantially similar terms are used in that jurisdiction’s laws.

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1 (bm) "Handgun" means any weapon designed or redesigned, or made or  
2 remade, and intended to be fired while held in one hand and to use the energy of an  
3 explosive to expel a projectile through a smooth or rifled bore. "Handgun" does not  
4 include a machine gun, as defined in s. 941.27 (1), a short-barreled rifle, as defined  
5 in s. 941.28 (1) (b), or a short-barreled shotgun, as defined in s. 941.28 (1) (c).

6 (bq) "Intoxicant" means any alcohol beverage, controlled substance, or other  
7 drug, or any combination thereof.

8 (c) "Law enforcement officer" has the meaning given in s. 165.85 (2) (c).

9 (d) "Licensee" means an individual holding a valid license to carry a concealed  
10 weapon issued under this section.

11 (e) "Misdemeanor crime of violence" means any of the following:

12 1. A misdemeanor violation of chs. 940, 941, or 948 or of s. 947.013 or a violation  
13 of s. 947.01.

14 2. A crime under federal law or the law of another state that is comparable to  
15 a crime described in subd. 1.

16 (eg) "Misdemeanor delinquency adjudication" means a finding that a juvenile  
17 is delinquent for an act that would be a misdemeanor if committed by an adult.

18 (f) "Out-of-state authorization" means a valid permit document or a valid  
19 license document issued by another state if all of the following apply:

20 1. The permit document or license document documents that a person is  
21 authorized under the law of that state to carry a concealed weapon in that state.

22 2. The state is listed in the rule promulgated by the department of justice under  
23 s. 165.25 (11) ~~165.25~~

24 (g) "Out-of-state licensee" means an individual who is 21 years of age or over,  
25 who is not a Wisconsin resident, who has been issued an out-of-state authorization,

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1 and who is not prohibited from possessing a firearm under s. 941.29 or from  
2 possessing a firearm that has been transported in interstate or foreign commerce  
3 under federal law.

4 (h) "Private property" has the meaning given in s. 943.13 (1e) (e).

5 (i) "Proprietor" means a person to whom a Class "B" or "Class B" license or  
6 permit has been issued under ch. 125.

7 (ig) "Purpose of authorized analysis" means for the purpose of determining or  
8 obtaining evidence of the presence, quantity, or concentration of any intoxicant in a  
9 person's blood, breath, or urine.

10 (is) "Test facility" means a test facility or agency prepared to administer tests  
11 under s. 343.305 (2).

12 (j) "Weapon" means a handgun, an electric weapon, as defined in s. 941.295 (4),  
13 a tear gas gun, a knife other than a switchblade knife under s. 941.24, or a billy club.

14 (2) ISSUANCE OF LICENSE. ~~Now~~ Except as provided in pars. (b) 1. and (c), each  
15 county, through its sheriff, <sup>The department</sup> shall issue licenses to carry a concealed weapon to an  
16 individual who meets the qualifications specified in sub. (3) and who completes the  
17 application process specified in sub. (7). A license to carry a concealed weapon issued  
18 under this section shall meet the requirements specified in sub. (2m).

19 (b) 1. A sheriff may, but is not required to, issue licenses to carry a concealed  
20 weapon under this section if, before the first day of the 4th month beginning after the  
21 effective date of this subdivision .... [revisor inserts date], all of the following occur:

22 a. The sheriff requests the county board of the sheriff's county to authorize him  
23 or her to decline to issue licenses to carry a concealed weapon under this section.

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1       b. After receiving a request from the sheriff under subd. 1. a., the county board  
2       of the sheriff's county grants the sheriff's request by a two-thirds vote of all the  
3       members of the board.

4       2. At any time the county board of the sheriff's county may rescind the  
5       authorization it grants under subd. 1. by a two-thirds vote of all members of the  
6       county board.

7       (c) Any 2 or more sheriffs may by agreement jointly exercise powers granted  
8       to them and discharge duties imposed on them under this section. An agreement for  
9       joint issuance of licenses to carry a concealed weapon under this section may be  
10      entered into at any time and shall satisfy all of the following criteria:

11       1. The agreement shall be in writing.

12       2. The agreement shall be approved by the county board of the county of each  
13      sheriff who is a party to the agreement.

14       2m. The agreement shall specify how the powers and duties that are the subject  
15      of the agreement are to be allocated among the sheriffs that are parties to the  
16      agreement.

17       3. The agreement shall specify how costs incurred and moneys received under  
18      this section shall be apportioned among the sheriffs who are a party to the agreement  
19      and their respective counties.

20       4. The agreement shall designate one county to be identified as the county of  
21      issuance.

22       5. If a sheriff who is party to an agreement has issued licenses under this  
23      section before entering into the agreement, the agreement shall provide for the  
24      renewal of any licenses that were issued by that sheriff before he or she entered into  
25      the agreement.

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1           (2g) CARRYING A CONCEALED WEAPON; CARRYING AND DISPLAY OF LICENSE DOCUMENT

2           OR AUTHORIZATION. (a) A licensee or an out-of-state licensee may carry a concealed

3           weapon anywhere in this state except as provided under sub. (15m) or (16) or s.

4           941.20 (1) (b) or 943.13 (1m) (c). This paragraph does not limit the right that a person

5           may have under s. 943.13 (1m) (c) to prohibit a licensee or an out-of-state licensee

6           from entering or remaining in a building used by a health care facility, as defined in

7           s. 150.84 (2), or a clinic or office that is used by a physician licensed under ch. 448

8           if the licensee or out-of-state licensee is carrying a concealed weapon. In this

9           paragraph, "building" includes a part of a building.

10           (b) A licensee shall carry his or her license document and an out-of-state

11           licensee shall carry his or her out-of-state authorization at all times during which

12           he or she is going armed with a concealed weapon.

13           (c) If he or she is carrying a concealed weapon, a licensee shall display his or

14           her license document and an out-of-state licensee shall display his or her

15           out-of-state authorization to a law enforcement officer upon the request of the law

16           enforcement officer.

17           (2i) PRELIMINARY BREATH SCREENING TEST. (a) *Requirement.* A person shall

18           provide a sample of his or her breath for a preliminary breath screening test if a law

19           enforcement officer has probable cause to believe that the person is violating sub.

20           (16) (cm) 1. and if, prior to an arrest, the law enforcement officer requested that the

21           person provide this sample.

22           (b) *Use of test results.* A law enforcement officer may use the results of a

23           preliminary breath screening test for the purpose of deciding whether or not to arrest

24           a person for a violation of sub. (16) (cm) 1. or for the purpose of deciding whether or

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1 not to request a chemical test under sub. (2k). Following the preliminary breath  
2 screening test, chemical tests may be required of the person under sub. (2k).

3 (c) *Admissibility.* The result of a preliminary breath screening test is not  
4 admissible in any action or proceeding except to show probable cause for an arrest,  
5 if the arrest is challenged, or to show that a chemical test was properly required of  
6 a person under sub. (2k).

7 (d) *Refusal.* There is no penalty for a violation of par. (a). Neither sub. (17) (b)  
8 nor the general penalty provision under s. 939.61 applies to that violation.

9 (2j) IMPLIED CONSENT. Any person who carries a concealed weapon in this state  
10 is deemed to have given consent to provide one or more samples of his or her breath,  
11 blood, or urine for the purpose of authorized analysis as required under sub. (2k).  
12 Any person who carries a concealed weapon in this state is deemed to have given  
13 consent to submit to one or more chemical tests of his or her breath, blood, or urine  
14 for the purpose of authorized analysis as required under sub. (2k).

15 (2k) CHEMICAL TESTS. (a) *Requirement.* 1. 'Samples; submission to tests.' A  
16 person shall provide one or more samples of his or her breath, blood, or urine for the  
17 purpose of authorized analysis if he or she is arrested for a violation of sub. (16) (cm)  
18 1. and if he or she is requested to provide the sample by a law enforcement officer.  
19 A person shall submit to one or more chemical tests of his or her breath, blood, or  
20 urine for the purpose of authorized analysis if he or she is arrested for a violation of  
21 sub. (16) (cm) 1. and if he or she is requested to submit to the test by a law  
22 enforcement officer.

23 2. 'Information.' A law enforcement officer requesting a person to provide a  
24 sample or to submit to a chemical test under subd. 1. shall inform the person of all

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1 of the following at the time of the request and prior to obtaining the sample or  
2 administering the test:

3 a. That he or she is deemed to have consented to tests under sub. (2i).

4 b. That a refusal to provide a sample or to submit to a chemical test constitutes  
5 a violation under par. (e) and is subject to the same penalties and procedures as a  
6 violation of sub. (16) (cm) 1.

7 c. That in addition to the designated chemical test under par. (b) 2. he or she  
8 may have an additional chemical test under par. (c) 1.

9 3. 'Unconscious person.' A person who is unconscious or otherwise not capable  
10 of withdrawing consent is presumed not to have withdrawn consent under this  
11 paragraph, and if a law enforcement officer has probable cause to believe that the  
12 person violated sub. (16) (cm) 1., one or more chemical tests may be administered to  
13 the person without a request under subd. 1. and without providing information  
14 under subd. 2.

15 (b) *Chemical tests.* 1. 'Test facility.' Upon the request of a law enforcement  
16 officer, a test facility shall administer a chemical test of breath, blood, or urine for  
17 the purpose of authorized analysis. A test facility shall be prepared to administer  
18 2 of the 3 chemical tests of breath, blood, or urine for the purpose of authorized  
19 analysis. The department may enter into agreements for the cooperative use of test  
20 facilities.

21 2. 'Designated chemical test.' A test facility shall designate one chemical test  
22 of breath, blood, or urine which it is prepared to administer first for the purpose of  
23 authorized analysis.

24 3. 'Additional chemical test.' A test facility shall specify one chemical test of  
25 breath, blood, or urine, other than the test designated under subd. 2., which it is

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1 prepared to administer for the purpose of authorized analysis as an additional  
2 chemical test.

3 4. 'Validity; procedure.' A chemical test of blood or urine conducted for the  
4 purpose of authorized analysis is valid as provided under s. 343.305 (6). The duties  
5 and responsibilities of the laboratory of hygiene, department of health and family  
6 services, and department of transportation under s. 343.305 (6) apply to a chemical  
7 test of blood or urine conducted for the purpose of authorized analysis under this  
8 subsection. Blood may be withdrawn from a person arrested for a violation of sub.  
9 (16) (cm) 1. only by a physician, registered nurse, medical technologist, physician  
10 assistant, or person acting under the direction of a physician and the person who  
11 withdraws the blood, the employer of that person, and any hospital where blood is  
12 withdrawn have immunity from civil or criminal liability as provided under s.  
13 895.53.

14 5. 'Report.' A test facility which administers a chemical test of breath, blood,  
15 or urine for the purpose of authorized analysis under this subsection shall prepare  
16 a written report which shall include the findings of the chemical test, the  
17 identification of the law enforcement officer or the person who requested a chemical  
18 test, and the identification of the person who provided the sample or submitted to the  
19 chemical test. The test facility shall transmit a copy of the report to the law  
20 enforcement officer and the person who provided the sample or submitted to the  
21 chemical test.

22 (c) *Additional and optional chemical tests.* 1. 'Additional chemical test.' If a  
23 person is arrested for a violation of sub. (16) (cm) 1. and if the person is requested to  
24 provide a sample or to submit to a test under par. (a) 1., the person may request the  
25 test facility to administer the additional chemical test specified under par. (b) 3. or,

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1 at his or her own expense, reasonable opportunity to have any qualified person  
2 administer a chemical test of his or her breath, blood, or urine for the purpose of  
3 authorized analysis.

4 2. 'Optional test.' If a person is arrested for a violation of sub. (16) (cm) 1. and  
5 if the person is not requested to provide a sample or to submit to a test under par. (a)  
6 1., the person may request the test facility to administer a chemical test of his or her  
7 breath or, at his or her own expense, reasonable opportunity to have any qualified  
8 person administer a chemical test of his or her breath, blood, or urine for the purpose  
9 of authorized analysis. If a test facility is unable to perform a chemical test of breath,  
10 the person may request the test facility to administer the designated chemical test  
11 under par. (b) 2. or the additional chemical test under par. (b) 3.

12 3. 'Compliance with request.' A test facility shall comply with a request under  
13 this paragraph to administer any chemical test that it is able to perform.

14 4. 'Inability to obtain chemical test.' The failure or inability of a person to  
15 obtain a chemical test at his or her own expense does not preclude the admission of  
16 evidence of the results of a chemical test required and administered under pars. (a)  
17 and (b).

18 (d) *Admissibility; effect of test results; other evidence.* The results of a chemical  
19 test required or administered under par. (a), (b), or (c) are admissible in any civil or  
20 criminal action or proceeding arising out of the acts committed by a person alleged  
21 to have violated sub. (16) (cm) 1. on the issue of whether the person had alcohol  
22 concentrations at or above specified levels or was under the influence of an  
23 intoxicant. Results of these chemical tests shall be given the effect required under  
24 s. 885.235. This subsection does not limit the right of a law enforcement officer to  
25 obtain evidence by any other lawful means.

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1 (e) *Refusal*. No person may refuse a lawful request to provide one or more  
2 samples of his or her breath, blood, or urine or to submit to one or more chemical tests  
3 under par. (a). A person shall not be deemed to refuse to provide a sample or to submit  
4 to a chemical test if it is shown by a preponderance of the evidence that the refusal  
5 was due to a physical inability to provide the sample or to submit to the test due to  
6 a physical disability or disease unrelated to the use of an intoxicant. Issues in any  
7 action concerning a violation of par. (a) or this paragraph are limited to:

8 1. Whether the law enforcement officer had probable cause to believe the  
9 person was violating or had violated sub. (16) (cm) 1.

10 2. Whether the person was lawfully placed under arrest for violating sub. (16)  
11 (cm) 1.

12 3. Whether the law enforcement officer requested the person to provide a  
13 sample or to submit to a chemical test and provided the information required under  
14 par. (a) 2. or whether the request and information were unnecessary under par. (a)  
15 3.

16 4. Whether the person refused to provide a sample or to submit to a chemical  
17 test.

18 (2m) LICENSE DOCUMENT; CONTENT OF LICENSE. (a) Subject to pars. (b), (c), and  
19 (d), the department shall design a single license document for licenses issued and  
20 renewed under this section. The department shall complete the design of the license  
21 document no later than the first day of the 4th month beginning after the effective  
22 date of this paragraph .... [revisor inserts date], and shall distribute the design for  
23 the license document to any sheriff who issues licenses under sub. (2) (a) or (c) for the  
24 sheriff to use for licenses that he or she issues under this section.

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1 (b) A license document for a license issued under this section shall contain all  
2 of the following on one side:

3 1. The full name, date of birth, ~~and~~ residence address<sup>and county of residence</sup> of the licensee.

4 2. A color photograph of the licensee.

5 2 3. A physical description of the licensee, including ~~gender~~<sup>sex</sup>, height, weight, and  
6 hair and eye color.

7 3 4. The date on which the license was issued.

8 4 5. The date on which the license expires.

9 5 6. The name of this state.

10 7. The name of the county that issues the license.

11 6 8. A unique identification number for each licensee that begins with a unique  
12 code number, which the department shall establish, for the county listed in subd. 7.

13 (c) The license document may not contain the licensee's social security number.

14 (d) A license document issued under this section shall be, to the maximum  
15 extent possible, tamper proof. The contents of the license document shall be included  
16 in the document in substantially the same way that the contents of an operator's  
17 license document issued under s. 343.17 are included <sup>in</sup> that document.

18 (3) QUALIFICATIONS FOR OBTAINING A LICENSE. An individual is eligible for a  
19 license under this section if all of the following apply:

20 (a) The individual is at least 21 years of age.

21 (b) The individual does not have a physical disability that prevents him or her  
22 from safely handling a weapon. The department shall promulgate rules specifying  
23 the procedures and definitions that the sheriff<sup>it</sup> is required to apply when determining  
24 whether an individual is ineligible for a license under this section because he or she  
25 has a physical disability that prevents him or her from safely handling a weapon.

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1 (c) The individual is not prohibited under federal law from possessing a firearm  
2 that has been transported in interstate or foreign commerce.

3 (d) The individual is not prohibited from possessing a firearm under s. 941.29.

4 (e) During the preceding 3 years, the individual has not been civilly committed  
5 under s. 51.20 for being drug dependent.

6 (f) During the preceding 3 years, the individual has not been convicted for any  
7 violation, or for the solicitation, conspiracy, or attempt to commit any violation, of ch.  
8 961 or of a federal law or a law of another state that is comparable to any provision  
9 of ch. 961.

10 (g) The individual does not chronically and habitually use alcohol beverages or  
11 other substances to the extent that his or her normal faculties are impaired. A person  
12 is presumed chronically and habitually to use alcohol beverages or other substances  
13 to the extent that his or her normal faculties are impaired if, within the preceding  
14 3 years, any of the following applies:

15 1. The individual has been committed for involuntary treatment under s. 51.45  
16 (13).

17 2. The individual has been convicted of a violation of s. 941.20 (1) (b).

18 3. In 2 or more cases arising out of separate incidents, a court has found the  
19 individual to have committed a drunk driving offense.

20 (h) The individual has done one of the following:

21 1 30 Successfully completed a National Rifle Association firearm training or  
22 firearm safety course or class that meets the requirements under sub. (4m).

23 2 30 Successfully completed a firearm training or firearm safety course or class  
24 that meets the requirements under sub. (4m) and that is conducted by an instructor  
25 certified by the state in which the course or class was conducted, by the National Rifle

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1 Association, or by another national or state organization that certifies firearms  
2 instructors.

3 4. Successfully completed a firearm safety or firearm training course or class  
4 that is available to the general public, that meets the requirements under sub. (4m),  
5 and that is offered by a law enforcement agency, a private or public school,  
6 institution, or organization, or a firearm training school, if the course or class uses  
7 instructors certified by the National Rifle Association, by another national or state  
8 organization that certifies firearms instructors, or by the department or if the  
9 curriculum meets the minimum requirements of the law enforcement standards  
10 board.

11 5. Successfully completed a firearm safety or firearm training course or class  
12 that meets the requirements under sub. (4m) and that is offered for law enforcement  
13 officers, correctional officers, special deputies, private detectives licensed under s.  
14 440.26, or other security or law enforcement personnel.

15 6. Participated in organized shooting competitions or military training that  
16 gave the applicant experience with firearms that the <sup>department</sup> ~~state~~ determines is  
17 substantially equivalent to any course or class specified in subds. <sup>65 540r</sup> ~~2/5~~ 5.  
18

19 (i) The individual has not been found incompetent under ch. 880 or, if the  
20 individual has been found incompetent under ch. 880, he or she was subsequently  
21 found to be competent and at least 5 years have elapsed from the date that he or she  
22 was found to be competent.

23 (im) The individual was not the subject of a protective placement under s. 55.06  
24 as a minor unless at least 5 years have elapsed from the date on which his or her  
protective placement ended.

ff 30  
as described in subd 30  
can certify as an instructor of a firearm training or firearm safety course or class

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1           (j) The individual has not been involuntarily committed for treatment under  
2       s. 51.20 due to mental illness or a developmental disability or, if the individual has  
3       been involuntarily committed for treatment under s. 51.20 due to mental illness or  
4       a developmental disability, he or she shows, through evidence from a psychiatrist  
5       licensed in this state, that he or she has not been disabled due to mental illness or  
6       a developmental disability for at least 5 years.

7           (k) The individual has not been found incompetent under s. 971.14 or, if the  
8       individual has been found incompetent under s. 971.14, one of the following applies:

9           1. He or she was subsequently found to be competent and at least 5 years have  
10      elapsed from the date that he or she was found to be competent.

11          2. He or she was not subsequently found to be competent and he or she shows,  
12      through evidence from a psychiatrist licensed in this state, that he or she has not  
13      been disabled due to mental illness or a developmental disability for at least 5 years.

14          (L) The individual has not been found not guilty by reason of mental disease  
15      or defect under s. 971.17 or, if the individual has been found not guilty by reason of  
16      mental disease or defect under s. 971.17, he or she presents evidence from a  
17      psychiatrist licensed in this state that he or she has not been disabled due to mental  
18      illness or a developmental disability for at least 5 years.

19          (m) Within the preceding 3 years, the individual was not convicted of a  
20      misdemeanor crime of violence or was not serving a sentence, on probation, or subject  
21      to a dispositional order under ch. 938 for committing a misdemeanor crime of  
22      violence.

23          (mg) The individual has not been prohibited from obtaining a license under  
24      sub. (10m) based on the individual having committed a misdemeanor crime of  
25      violence.

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1 (n) The individual has not been charged with a felony or a misdemeanor crime  
2 of violence for which the prosecution was suspended under a deferred prosecution  
3 agreement unless 3 years have elapsed since the date of the agreement.

4 (o) The individual is not the subject of any pending civil or criminal case, the  
5 disposition of which could disqualify him or her from having a license under this  
6 subsection.

7 (p) The individual has not previously submitted an application for a license  
8 under this section to any county and had the application denied, unless each reason  
9 for the denial is no longer applicable because of changed circumstances or, if the  
10 denial was based on a restriction under this subsection that applies for a specified  
11 period of time, because that time period has run.

12 (q) The individual has not had a license that was issued under this section  
13 revoked, unless each reason for the revocation is no longer applicable because of  
14 changed circumstances or, if the revocation was based on a restriction under this  
15 subsection that applies for a specified period of time, because that time period has  
16 run.

17 (r) The individual has not been convicted under sub. (17) (c), (d), or (e).

18 (s) The individual is a Wisconsin resident.

19 **(3m) FEDERAL PREEMPTION.** The requirements under sub. (3) (e), (g) 1., (i), (im),  
20 (j), (k), and (L) apply only to a person who may lawfully possess a firearm under  
21 federal law.

22 **(4m) COURSE OR CLASS REQUIREMENTS.** A firearm training or firearm safety  
23 course or class under sub. (3) (h) 2. ~~to~~ 5. shall provide the person taking the course  
24 or class with information regarding electric weapons, as defined in s. 941.295 (4), and  
25 shall include all of the following:

## BILL

1 (a) Instruction on how to handle, load, unload, and store handguns.  
2 (b) Instruction on the privilege of self-defense and the defense of others under  
3 s. 939.48.

4 (c) Instruction on how to avoid injuring 3rd parties when defending himself,  
5 herself, or others in a manner that is privileged under s. 939.48.

6 (d) Basic self-defense principles.

7 (e) Instruction on how to carry a concealed handgun safely.

8 (f) Instruction on firing a handgun.

9 (g) Practice firing a handgun.

10 (5) APPLICATION AND RENEWAL FORMS. The department shall design an  
11 application form for use by individuals who apply for a license under this section and  
12 a renewal form for use by individuals applying for renewal of a license under sub.  
13 (15). The department shall complete the design of the application form no later than  
14 the first day of the 4th month beginning after the effective date of this subsection ....  
15 [revisor inserts date], and shall complete the design of the renewal form no later than  
16 the first day of the 54th month beginning after the effective date of this subsection  
17 .... [revisor inserts date]. The department shall ~~distribute the designs for~~ <sup>make available</sup> both forms,

18 to any sheriff who issues licenses under sub. (2) (a) or (c) for use in making the  
19 application forms and the license renewal forms described in this section. The forms

20 designed by the department under this subsection shall only require the applicant  
21 to provide his or her name, address, date of birth, race, <sup>sex</sup> ~~gender~~, height, weight, and  
22 hair and eye color and shall include all of the following:

23 (e) A statement that the applicant is eligible for a license if the requirements  
24 specified in sub. (3) are met.

on the Internet or by mail upon request

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1 (f) A statement explaining the privilege of self-defense and defense of others  
2 under s. 939.48, with a place for the applicant to sign his or her name to indicate that  
3 he or she has read and understands the statement.

4 (g) A statement that the applicant has received a copy of this section, with a  
5 place for the applicant to sign his or her name to indicate that ~~he or she~~ <sup>the applicant</sup> has read and  
6 understands the requirements of this section.

7 (h) A statement that the application is being made under oath and that an  
8 applicant may be prosecuted if he or she gives a false answer to any question on the  
9 application or submits a falsified document with the application.

10 (i) A statement of the penalties for giving a false answer to any question on the  
11 application or submitting a falsified document with the application.

12 (6) OATH. An applicant shall swear under oath that the information that he or  
13 she provides in an application submitted under sub. (7) and any document submitted  
14 with the application is true and complete to the best of his or her knowledge.

15 (7) SUBMISSION OF APPLICATION. An individual may apply for a license under this  
16 section with ~~any sheriff~~ <sup>the department by submitting to the department</sup> ~~all of the following to the sheriff~~ <sup>department</sup>  
17 ~~through whom he or she is applying for a license:~~

18 (a) An application in the form prescribed under sub. (5) that has been sworn  
19 to as required under sub. (6). <sup>of \$520</sup>

20 (bd) A license fee ~~set by the sheriff issuing the license that does not exceed~~  
21 ~~either the cost to the sheriff of issuing a license to an individual under this section,~~  
22 ~~including the cost of equipment purchase or rental, or \$75, whichever is less.~~

23 (bh) ~~The fee for a background check specified in sub. (9) of \$8~~

24 (bp) A shooting range improvement fee of \$15.

25 (bt) A law enforcement excellence fund fee of \$15.

written as a separate check made out to the applicant's county of residence, that the department shall immediately forward to that county

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1 (d) A photocopy of a certificate or other evidence showing the applicant's  
2 qualifications under sub. (3) (h).

3 (e) A full-face photograph of the applicant taken within the 30-day period  
4 immediately preceding the date of the applicant's application.

5 (9) PROCESSING OF APPLICATION. (a) Upon receiving an application submitted  
6 under sub. (7), a ~~sheriff~~ <sup>shall</sup> request that the department <sup>shall</sup> conduct a background  
7 check, as provided under sub. (9g).

8 (b) Subject to par. (c) and (d), within <sup>21</sup> ~~30~~ days after receiving an application  
9 under sub. (7), ~~a sheriff~~ <sup>the department</sup> shall do one of the following:

10 1. Issue the license and promptly send the licensee his or her license document  
11 by 1st class mail.

12 2. Deny the application, but only if the applicant fails to qualify under the  
13 criteria specified in sub. (3). If the ~~sheriff~~ <sup>department</sup> denies the application, ~~he/she~~ <sup>the department</sup> shall  
14 inform the applicant in writing, stating the reason and factual basis for the denial  
15 to the extent permitted under federal law.

16 (c) Except as provided in sub. (9r) or (10), ~~the sheriff~~ <sup>the department</sup> may not issue a license until  
17 7 days, subject to extension under sub. (9g) (b) 3. c., have elapsed from the ~~time that~~  
18 ~~the sheriff has received~~ <sup>expiration of</sup> a confirmation number regarding the background check  
19 under sub. (9g) (b) 1. ~~from the department~~, unless the department has notified the  
20 ~~sheriff that the~~ background check does not indicate that the applicant is disqualified  
21 for a license under sub. (3) (c), (d), (e), (f), (g), (i), (im), (j), (k), (L), (m), (n), (o), or (r).

22 (d) The time period specified in par. (b) is tolled during the pendency of any  
23 action brought under sub. (10m).

24 (9g) BACKGROUND CHECKS. ~~14~~ A sheriff shall request that the department  
25 conduct a background check by calling the department, using a toll-free telephone

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1 number provided by the department, and providing the department with the name,  
2 date of birth, gender, and race of the applicant.

3 (b) Upon receiving a request under par. (a), <sup>(b) per b</sup> the department shall conduct a  
4 background check using the following procedure:

5 1. The department shall ~~provide the sheriff with~~ <sup>create</sup> a confirmation number  
6 ~~confirming the receipt of the information under par. (a)~~ <sup>associated with</sup>

7 2. The department shall conduct the background check regarding an applicant  
8 for a license under this section. In conducting a background check under this  
9 subdivision, the department shall use the transaction information for management  
10 of enforcement system and the national crime information center system.

11 3. <sup>as soon as practicable</sup> The department shall ~~notify the sheriff, either during the initial telephone~~  
12 ~~call or as soon thereafter as practicable, of the results of the background check as~~ <sup>do the following</sup>  
13 ~~follows~~

14 a. If the background check indicates that the applicant does not qualify for a  
15 license under sub. (3) (c), (d), (e), (f), (g), (i), (im), (j), (k), (L), (m), (n), (o), or (r), ~~the~~  
16 ~~department shall provide the sheriff with~~ <sup>create</sup> a unique nonapproval number <sup>for the applicant</sup>  
17 ~~department shall disclose to the sheriff the reason the applicant does not qualify for~~  
18 ~~a license under sub. (3) (c), (d), (e), (f), (g), (i), (im), (j), (k), (L), (m), (n), (o), or (r).~~

19 b. If the completed background check does not indicate that the applicant is  
20 disqualified for a license under sub. (3) (c), (d), (e), (f), (g), (i), (im), (j), (k), (L), (m),  
21 (n), (o), or (r), ~~the department shall provide the sheriff with~~ <sup>create</sup> a unique approval  
22 number <sup>for the applicant</sup>

23 c. If the background check indicates that the applicant was the subject of a  
24 relevant criminal charge for which there is no recorded disposition or if, in the case  
25 of a misdemeanor delinquency adjudication, the background check does not indicate

regarding  
an  
applicant  
for a  
license

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1 how long the resultant dispositional order was in effect, and the 7-day time period  
2 described in sub. (9) (c) has not yet run, <sup>(extend)</sup> that time period ~~is extended~~ by 72 hours <sup>and</sup>

3 ~~The department shall notify the sheriff of the extension as soon as practicable.~~

4 ~~During the extended period, the department shall make all reasonable efforts to~~  
5 ~~obtain the missing information and shall notify the sheriff of the results of its efforts~~  
6 ~~as soon as practicable.~~

7 (b) The department shall conduct the background check under par. (b)  
8 immediately if, when requesting it under par. (a), the sheriff informs the department  
9 that the background check is for an applicant for an emergency license under sub.  
10 (9r).

11 (c) <sup>collection</sup> ~~The department shall charge a sheriff a fee of \$8 for each background check~~  
12 ~~that the sheriff requests under par. (a) except that the department shall waive the~~  
13 ~~fee if, when requesting the background check, the sheriff informs the department~~  
14 ~~that the fee is being waived under sub. (9r) (c). The sheriff shall collect the fee from~~  
15 ~~the applicant unless the fee is waived under sub. (9r) (c).~~

16 (d) <sup>The department</sup> ~~A sheriff~~ shall maintain the ~~original~~ record of all completed application  
17 forms and a record of all confirmation numbers and corresponding approval or  
18 nonapproval numbers ~~that he or she receives~~ regarding background checks under  
19 this subsection. The sheriff shall mail a duplicate copy of each completed application  
20 form to the department.

21 (e) 1. The department shall check each ~~duplicate~~ application form ~~received~~  
22 under par. (d) against the information recorded by the department regarding the  
23 corresponding request for a background check under this subsection. If the  
24 department previously provided a unique approval number regarding the request  
25 and nothing in the ~~duplicate~~ completed application form indicates that the applicant

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1 is not qualified for a license under sub. (3) (c), (d), (e), (f), (g), (i), (im), (j), (k), (L), (m),  
2 (n), (o), or (r), the department shall, except as provided in subd. 2., destroy all records  
3 regarding that background check within 30 days after receiving the duplicate form.  
4 If the department previously provided a unique approval number regarding the  
5 request and the duplicate completed application form indicates that the applicant is  
6 not qualified for a license under sub. (3) (c), (d), (e), (f), (g), (i), (im), (j), (k), (L), (m),  
7 (n), (o), or (r), the department shall immediately notify the sheriff who issued the  
8 license, and the sheriff shall revoke the license.

9 2. The department may maintain records necessary to administer this  
10 subsection and, for a period of not more than 3 years after the department issues a  
11 unique approval number, a log of dates of requests for background checks under this  
12 subsection together with confirmation numbers and unique approval and  
13 nonapproval numbers corresponding to those dates.

14 (f) The department shall promulgate rules authorizing it to obtain records  
15 necessary to determine an applicant's eligibility under sub. (3) (e), (g) 1., (i), (im), and  
16 (j) for a license issued under this section. The department may not disclose  
17 information that it obtains under rules issued under this paragraph except to a  
18 sheriff under ~~par. (b) 3.~~ or sub. ~~(9r) (b) 2.~~ or (11) (d) 3.

19 (9r) EMERGENCY LICENSE. (a) Unless the ~~sheriff~~ <sup>department</sup> knows that the person is not  
20 qualified for a license under sub. (3) (a) to (g) or (i) to (s), ~~a sheriff~~ <sup>the department</sup> may issue a license  
21 under this section to an individual who does not satisfy the requirements under sub.  
22 (3) (h) without regard for the waiting period under sub. (9) (c) if the ~~sheriff~~ <sup>department</sup> determines  
23 that immediate licensure is warranted to protect the individual from death or great  
24 bodily harm, as defined in s. 939.22 (14). ~~A sheriff who~~ <sup>If the department</sup> issues a license under this

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## SECTION 21

1 paragraph <sup>it shall conduct</sup> shall notify the department and request an immediate background check  
2 under sub. (9g).

3 (b) 1. Except as provided in subd. 2. and par. (d), a license issued under par. (a)  
4 is valid for 120 days from the date on which it is issued and may not be renewed.

5 2. If the department <sup>learns</sup> notifies the sheriff <sup>department</sup> that an individual to whom the sheriff  
6 has issued a license under par. (a) does not qualify for a license under sub. (3) (c), (d),  
7 (e), (f), (g), (i), (im), (j), (k), (L), (m), (n), (o), or (r), the <sup>department</sup> sheriff shall revoke the license.

8 (c) <sup>The department</sup> ~~the sheriff~~ may waive the fees that would otherwise be required under sub.  
9 (7) (bd), (bh), <sup>the department</sup> ~~(bp)~~ and ~~and (9g)~~ for an individual who is applying for a license  
10 under par. (a) if requiring the individual to pay the fees would create a hardship for  
11 the individual. The department shall promulgate rules specifying the procedures  
12 and definitions that the sheriff is required to apply when determining whether an  
13 individual is eligible for a waiver of the fees for an emergency license under this  
14 section as provided under this paragraph.

15 (d) A person who has been issued a license under par. (a) may obtain a license  
16 under sub. (2) if he or she meets the qualifications specified under sub. (3) and  
17 completes the application process specified in sub. (7). A license issued to a person  
18 under par. (a) is void if the person is issued a license under sub. (2).

19 (10) EXEMPTION FROM BACKGROUND CHECK. Notwithstanding subs. (9) (a) and  
20 (15) (c), <sup>the department</sup> ~~the sheriff~~ shall issue or renew a license under this section to any of the  
21 following individuals without waiting 7 days or requesting a background check:

22 (a) A law enforcement officer.

23 (b) A correctional officer.

24 (c) A probation, parole, and extended supervision agent.

## BILL

1 (d) A person who holds a current certification from the law enforcement  
2 standards board under s. 165.85 (3) (c).

3 (10m) DISQUALIFICATION PETITION REGARDING CERTAIN MISDEMEANANTS. (a) If a  
4 sheriff receives an application for a license under this section from a person who has  
5 committed a misdemeanor crime of violence and the person is eligible for a license  
6 under sub. (3) (m), the sheriff may file a petition under this subsection asking the  
7 circuit court to enter an order barring the person from receiving a license. The  
8 petition shall allege that the person would pose a substantial risk to others if the  
9 person were granted a license under this section.

10 (b) The sheriff shall file any such petition in the circuit court of the sheriff's  
11 county, or if applicable, the circuit court of the county of issuance designated under  
12 sub. (2) (c). The sheriff may not file the petition more than 30 days after receiving  
13 the person's completed application, unless the person was issued a license under sub.  
14 (9r). The court shall allow the person 30 days to file an answer to the petition. The  
15 court may hold an evidentiary hearing on the petition.

16 (c) If the court determines, by clear and convincing evidence, that the person  
17 would pose a substantial risk to others if the person were granted a license under this  
18 section, the court shall enter an order prohibiting the person from obtaining a license  
19 under this section.

20 (d) If the court denies the sheriff's petition, the court shall award the person  
21 costs and reasonable attorney fees.

22 (e) The court shall expedite any proceeding brought under this subsection.

23 (11) LICENSEE INFORMATION. ~~Any~~ A sheriff who issues licenses to carry a  
24 concealed weapon under this section shall, within 5 days after issuing a license,  
25 notify the department that he or she has issued a license under this section and

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## SECTION 21

1 provide the department with the information specified in sub. (2m) (b) concerning the  
2 individual to whom the license was issued.

3 (am) The department shall maintain a computerized record listing the names  
4 of all individuals who have been issued a license under this section along with the  
5 information concerning each individual that is provided to the department by a  
6 sheriff under par. (a). After entering the information that it receives under par. (a),  
7 the department may not store, maintain, format, sort, or access the information in  
8 any way other than by the name of the licensee or the identification number assigned  
9 to the licensee under sub. (2m) (b).

10 (c) 1. The department and any sheriff issuing licenses under this section shall  
11 provide information concerning a specific licensee to a law enforcement agency, but  
12 only if the law enforcement agency is requesting the information for any of the  
13 following purposes:

14 a. To confirm that a license produced by an individual at the request of a law  
15 enforcement officer is valid.

16 b. To confirm that the individual holds a valid license under this section, if the  
17 individual is going armed with a concealed weapon but is not carrying his or her  
18 license document and claims to hold a valid license issued under this section.

19 c. To investigate whether an individual intentionally falsely swore under sub.  
20 (6) or (15) (b) 2., intentionally violated sub. (12) (a), or intentionally made a false  
21 statement to the department in connection with the individual's request for an emergency  
22 license under sub. (9r).

23 2. If the department maintains information compiled under this section  
24 regarding licensees through the transaction information for the management of  
25 enforcement system and a law enforcement officer uses that system in the context

**BILL**

1 of a vehicle stop that meets the requirements of s. 349.02 (2) (a), the law enforcement  
2 officer may only obtain information from that system regarding the licensee's status  
3 as a licensee for the purposes listed in subd. 1.

4 (d) 1. In this paragraph:

5 a. "Clerk" means the clerk of the circuit court or, if it has enacted a law or an  
6 ordinance in conformity with s. 346.63, the clerk of the court for a federally  
7 recognized American Indian tribe or band in this state, a city, a village, or a town.

8 b. "Court automated information systems" means the systems under s. 758.19  
9 (4).

10 2. The court automated information systems, or the clerk or register in probate,  
11 if the information is not contained in or cannot be transmitted by the court  
12 automated information systems, shall promptly notify the department of the name  
13 of any individual with respect to whom any of the following occurs and the specific  
14 reason for the notification:

15 a. The individual is charged with a felony, a misdemeanor crime of violence, a  
16 violation of ch. 961, the solicitation, conspiracy, or attempt to commit any violation  
17 of ch. 961, a violation of s. 941.20 (1) (b), a violation of sub. (17) (c), (d), or (e), or any  
18 other crime that, upon conviction, would disqualify the individual from having a  
19 license under this section.

20 b. The individual is charged with a drunk driving offense.

21 c. The individual is found by a court to have committed any offense described  
22 in subd. 2. a. or b.

23 d. Prosecution of a felony or a misdemeanor crime of violence for which the  
24 individual is charged is suspended under a deferred prosecution agreement.

25 e. The individual is found incompetent under s. 971.14.

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1 f. The individual is found not guilty of any crime by reason of mental disease  
2 or mental defect under s. 971.17.

3 g. The individual is involuntarily committed for treatment under s. 51.20 or  
4 51.45.

5 h. The individual is found incompetent under ch. 880.

6 i. The individual becomes subject to an injunction described in s. 941.29 (1) (f)  
7 or is ordered not to possess a firearm under s. 813.125 (4m).

8 j. A court has prohibited the individual from possessing a dangerous weapon  
9 under s. 969.02 (3) (c).

10 3. Upon receiving a notice under subd. 2., the department shall immediately  
11 determine if the individual who is the subject of the notice is a licensee, using the list  
12 maintained under par. (am). If the department determines that the individual is a  
13 licensee, the department shall immediately inform the sheriff of the county that  
14 issued the license of the individual's name and the basis for the notice under subd.  
15 2.

16 (12) UPDATED INFORMATION. (a) Within 10 days after being charged under  
17 federal law or the law of another state with any crime or any drunk driving offense,  
18 a licensee shall notify the ~~sheriff of the county that issued his or her license~~ <sup>department</sup> of the  
19 charge.

20 (b) No later than 30 days after changing his or her address, a licensee shall  
21 inform the ~~sheriff of the county that issued the license~~ <sup>department</sup> of his or her new address. The  
22 ~~sheriff~~ <sup>department</sup> shall ~~provide~~ <sup>include</sup> the individual's new address to the ~~department~~ <sup>department</sup> for inclusion in  
23 the list under sub. (11) (a). <sup>gs</sup>

24 (13) LOST OR DESTROYED LICENSE. No later than 30 days after losing his or her  
25 license document or after his or her license document is destroyed, a licensee shall

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1 submit to the ~~sheriff of the county that issued the license~~ <sup>department</sup> a notarized statement that  
2 his or her license document has been lost or destroyed. The ~~sheriff~~ <sup>department</sup> shall issue a  
3 replacement license document upon receiving the notarized statement and a  
4 replacement license fee of \$15.

5 (14) LICENSE REVOCATION AND SUSPENSION. (a) ~~As sheriff~~ <sup>The department</sup> shall revoke a license  
6 that his or her county issued under this section if the licensee no longer meets all of  
7 the criteria specified in sub. (3) (b) to (g), (i) to (n), or (p) to (s).

8 (am) 1. If any of the following occurs with respect to a licensee, the ~~sheriff of~~  
9 ~~the county that issued the license~~ <sup>department</sup> shall suspend the licensee's license:

10 a. The licensee is the subject of a pending civil or criminal case, the disposition  
11 of which could require revocation of his or her license under par. (a).

12 b. A court has prohibited the licensee from possessing a dangerous weapon  
13 under s. 969.02 (3) (c).

14 2. If the ~~sheriff~~ <sup>department</sup> suspends a license under subd. 1., ~~he or she~~ <sup>it</sup> shall restore the  
15 license if, upon disposition of the case, the person to whom the license was issued  
16 meets all of the criteria specified in sub. (3).

17 (b) 1. If ~~a sheriff~~ <sup>the department</sup> revokes or suspends a license under this section, the revocation  
18 or suspension shall take effect immediately.

19 2. ~~A sheriff~~ <sup>If the department</sup> ~~who~~ <sup>it</sup> suspends or revokes a license issued under this section shall  
20 send the individual whose license has been suspended or revoked notice of the  
21 suspension or revocation by certified mail within one day after the suspension or  
22 revocation. Within 7 days after receiving the notice, the individual whose license has  
23 been suspended or revoked shall deliver the license document personally or by  
24 certified mail to the ~~sheriff~~ <sup>department</sup>.

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## SECTION 21

1 (14m) APPEALS. (a) A person aggrieved by any action by ~~a sheriff~~<sup>the department</sup> denying an  
2 application for a license or suspending or revoking a license under this section may  
3 appeal directly to the circuit court of ~~the sheriff's~~<sup>his or her</sup> county or, if applicable, to the circuit  
4 court of the county of issuance designated under sub. (2) (c).

5 (b) To begin an appeal under this subsection, the aggrieved person shall file a  
6 petition for review with the clerk of the applicable circuit court within 30 days after  
7 the date of the ~~sheriff's~~<sup>department's</sup> action or, if applicable, within 30 days after the date of the  
8 notice provided to the person under sub. (9) (b) 2. The petition shall state the  
9 substance of the ~~sheriff's~~<sup>department's</sup> action that the person is appealing from and the grounds  
10 upon which the person believes the ~~sheriff's~~<sup>department's</sup> action to be improper. The petition may  
11 include a copy of any records or documents that are relevant to the grounds upon  
12 which the person believes the ~~sheriff's~~<sup>department's</sup> action to be improper.

13 (c) A copy of the petition shall be served upon the ~~sheriff~~<sup>department</sup> either personally or  
14 by registered or certified mail within 5 days after the person files his or her petition  
15 under par. (b).

16 (d) The ~~sheriff~~<sup>department</sup> shall file an answer within 15 days after being served with the  
17 petition under par. (c). The answer shall include a brief statement of the actions  
18 taken by the ~~sheriff~~<sup>department</sup>, and a copy of any documents or records on which the ~~sheriff~~<sup>department</sup>  
19 based ~~his or her~~<sup>its</sup> action shall be included with the answer when filed.

20 (e) The court shall review the petition, the answer, and any records or  
21 documents submitted with the petition or the answer. The review under this  
22 paragraph shall be conducted by the court without a jury and shall be confined to the  
23 petition, the answer, and any records or documents submitted with the petition or  
24 the answer, except that in cases of alleged irregularities in procedure by the ~~sheriff~~<sup>department</sup>  
25 the court may take testimony that the court determines is appropriate.

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1 (f) The court shall affirm the ~~sheriff's~~ <sup>department's</sup> action unless the court finds any of the  
2 following:

3 1. That the ~~sheriff~~ <sup>department</sup> failed to follow procedure prescribed under this section.

4 2. That the ~~sheriff~~ <sup>department</sup> erroneously interpreted a provision of law and a correct  
5 interpretation compels a different action.

6 3. That the ~~sheriff's~~ <sup>department's</sup> action depends on a finding of fact that is not supported  
7 by substantial evidence in the record.

8 (g) The court's decision shall provide whatever relief is appropriate regardless  
9 of the original form of the petition.

10 (15) LICENSE EXPIRATION AND RENEWAL. (a) Except as provided in sub. (9r) (b)  
11 1., a license issued under this section is valid for a period of 5 years from the date on  
12 which the license is issued unless the license is suspended or revoked under sub. (9g)  
13 (e) 1. or (14).

14 (b) The department shall design a form (notice of expiration) and shall distribute  
15 the form to any sheriff who issues licenses under sub. (2) (a) or (c) for use under this  
16 paragraph. At least 90 days before the expiration date of a license issued under this  
17 section, the ~~sheriff~~ <sup>department</sup> who issued the license shall mail to the licensee a notice of  
18 expiration <sup>form</sup> and a form for renewing the license. The ~~sheriff~~ <sup>department</sup> shall renew the license  
19 if, before the date the license expires, the licensee does all of the following:

20 1. Submits a renewal application on the form provided by the ~~sheriff~~ <sup>department</sup>  
21 2. Submits a notarized affidavit swearing under oath that the information  
22 provided under subd. 1. is true and complete to the best of his or her knowledge and  
23 that he or she is qualified under sub. (3).

24 4. Pays all of the following:

## BILL

\$52 renewal

1 a. A fee ~~set by the sheriff that does not exceed either the cost to the sheriff of~~  
 2 ~~renewing a license issued under this section, including the cost of equipment~~  
 3 ~~purchase or rental, or \$75, whichever is less.~~

4 b. The fee for a background check ~~specified in sub. (9g)~~ of \$8

5 c. A shooting range improvement fee of \$15

6 d. A law enforcement excellence fund fee of \$15.

7 (c) The ~~sheriff shall request that the~~ department <sup>shall</sup> conduct a background check  
 8 of a licensee as provided under sub. (9g) before renewing the licensee's license under  
 9 par. (b).

10 (d) If an individual whose license has expired does not submit a renewal  
 11 application under par. (b) before 6 months after the expiration date, the license shall  
 12 permanently expire. An individual whose license has permanently expired may be  
 13 issued a new license if he or she applies for a license under sub. (7).

14 (15m) PRIVATE EMPLOYER RESTRICTIONS. (a) Except as provided in par. (b), a  
 15 private employer may prohibit a licensee or an out-of-state licensee that it employs  
 16 from carrying a concealed weapon or a particular type of concealed weapon in the  
 17 course of the licensee's or out-of-state licensee's employment or during any part of  
 18 the licensee's or out-of-state licensee's course of employment.

19 (b) A private employer may not prohibit a licensee or an out-of-state licensee,  
 20 as a condition of employment, from carrying a concealed weapon or a particular type  
 21 of concealed weapon in the licensee's or out-of-state licensee's own motor vehicle,  
 22 regardless of whether the motor vehicle is used in the course of employment.

23 (16) PROHIBITED ACTIVITY. (a) Neither a licensee nor an out-of-state licensee  
 24 may knowingly carry a concealed weapon in any of the following places:

25 1. A place that has been declared a nuisance under ch. 823.

of \$8  
 written as a separate check, made out  
 to the applicant's county of  
 residence, that the  
 department shall  
 immediately  
 forward  
 to  
 that  
 county

**BILL**

1           2. A police station, sheriff's office, or state patrol station. This subdivision does  
2 not prohibit a peace officer who is acting within the scope of his or her employment  
3 from carrying a concealed weapon in a police station, sheriff's office, or state patrol  
4 station.

5           3. A prison, jail, house of correction, or secured correctional facility.

6           4. A courthouse, except that a judge who is a licensee may carry a concealed  
7 weapon in a courthouse in which he or she is presiding in court and may permit in  
8 writing any other licensee or out-of-state licensee to carry a concealed weapon in a  
9 courthouse in which he or she is presiding in court.

10          5. A place at which a school, college, or professional athletic event is taking  
11 place, unless the event is related to firearms and the licensee or out-of-state licensee  
12 is a participant in the event.

13          5m. A place at which an organized youth sporting event is taking place.

14          6. A school administration building.

15          7. Any premises for which a Class "B" or "Class B" license or permit has been  
16 issued under ch. 125, unless one of the following applies:

17           a. The licensee or the out-of-state licensee is a person described in s. 941.237  
18 (3) (a), (b), (c), (cm), or (d).

19           b. If the licensee or the out-of-state licensee is carrying a handgun, his or her  
20 possession of the handgun is described in s. 941.237 (3) (e), (f), (g), (h), (i), or (j).

21          8. An airport, unless the weapon is encased for shipment as baggage to be  
22 transported by aircraft.

23          9. A place in which carrying the weapon is prohibited by federal law.

24          10. A building or part of a building used for religious worship or another  
25 religious purpose.

## BILL

1 11. A building or part of a building that is used to provide child care services.

2 12. A building or part of a building that is used for a domestic violence victim  
3 services program or by an organization that provides a safe haven for victims of  
4 domestic violence.

5 13. A building or part of a building used by a health care facility, as defined in  
6 s. 150.84 (2), or by a clinic or office that is used by a physician licensed under ch. 448.

7 14. A building located on the campus of a private or public university, college,  
8 or technical college.

9 15. A building or part of a building used for instructional purposes by a private  
10 or public university, college, or technical college.

11 100 10. A kindergarten facility or classroom.

12 (am) Notwithstanding par. (a) 10., 11., 12., and 13., the owner or authorized  
13 representative may permit a licensee or out-of-state licensee to carry a concealed  
14 weapon in any of the places mentioned in par. (a) 10., 11., 12., or 13.

15 (at) Neither a licensee nor an out-of-state licensee may carry a concealed  
16 weapon in a building owned or leased by the state or any political subdivision of the  
17 state if the building provides electronic screening for weapons at all public entrances  
18 to the building and for the locked storage of weapons on the premises while the  
19 licensee or out-of-state licensee is in the building. This paragraph does not apply  
20 to:

21 1. Peace officers or armed forces or military personnel who go armed in the line  
22 of duty.

23 2. A person authorized to carry a weapon in the building by the chief of police  
24 of the city, village, or town or the sheriff of the county in which the building is located.

**BILL**

1           3. A person authorized to carry a weapon in the building by the chief of the  
2       capitol police, if the building is owned or leased by the state.

3           (b) Neither a licensee nor an out-of-state licensee may knowingly carry a  
4       handgun in a school zone, as defined in s. 948.605 (1) (c), unless he or she is not in  
5       or on the grounds of a school, as defined in s. 948.61 (1) (b), and one of the following  
6       applies:

7           1. The individual is in a motor vehicle or on a snowmobile or bicycle.

8           2. The individual has exited a motor vehicle and is encasing the handgun or  
9       storing it in the motor vehicle.

10          3. The individual is traveling directly to any person's private property from his  
11       or her place of employment or business, from any person's private property, or from  
12       a place outside of the school zone.

13          4. The individual is traveling directly to his or her place of employment or  
14       business from another place of his or her employment or business, from any person's  
15       private property, or from a place outside of the school zone.

16          5. The individual is traveling directly to a place outside of the school zone from  
17       another place outside of the school zone, from any individual's private property, or  
18       from his or her place of employment or business.

19          6. The individual's possession of the handgun is described in s. 948.605 (2) (b).

20          (c) Neither a licensee nor an out-of-state licensee may carry a weapon other  
21       than a handgun on school premises, as defined in s. 948.61 (1) (c), unless he or she  
22       is a person described in or a person whose conduct is described in s. 948.61 (3).

23          (cm) 1. A person may not carry a concealed weapon if any of the following  
24       applies:

25          a. The person's alcohol concentration exceeds 0.08.

## BILL

1           b. The person is under the influence of an intoxicant to a degree which  
2           materially impairs his or her ability to handle the weapon.

3           2. A person may be charged with and a prosecutor may proceed upon a  
4           complaint based upon a violation of subd. 1. a. or b. or both for acts arising out of the  
5           same incident or occurrence. If the person is charged with violating both subd. 1. a.  
6           and b., the offenses shall be joined. Subdivision 1. a. and b. each requires proof of a  
7           fact for conviction which the other does not require.

8           (d) This subsection does not apply to a peace officer, as defined in s. 939.22 (22).

9           (17) PENALTIES. (a) Any person who violates sub. (2g) (b) or (c) may be required  
10          to forfeit not more than \$25.

11          (b) Any person who violates sub. (2k) (e) or (16) may be fined not more than  
12          \$1,000 or imprisoned for not more than 90 days or both.

13          (c) Any person who intentionally falsely swears under sub. (6) or (15) (b) 2. or  
14          who intentionally makes a false statement to <sup>the department</sup> ~~a sheriff~~ in requesting or in connection  
15          with the issuance of an emergency license under sub. (9r) shall be fined not less than  
16          \$500 nor more than \$10,000 and may be imprisoned for not more than 9 months.

17          (d) Any person who intentionally violates sub. (12) (a) shall be fined not less  
18          than \$500 nor more than \$10,000 and may be imprisoned for not more than 9 months.

19          (e) Any person required under sub. (14) (b) 2. to relinquish or deliver a license  
20          document to <sup>the department</sup> ~~a sheriff~~ who intentionally violates the requirements of that subdivision  
21          shall be fined not less than \$500 nor more than \$10,000 and may be imprisoned for  
22          not more than 9 months.

23          (18) ACCESS TO RECORDS. Records created or kept under this section by the  
24          department or a sheriff, other than reports created under sub. (19) or records created  
25          under sub. (20), are not subject to access under s. 19.35.

**BILL**

1 (19) STATISTICAL REPORT. (a) By February 1 of each year, <sup>the department</sup> ~~a sheriff who is issuing~~  
2 ~~or renewing licenses under this section shall~~ <sup>create</sup> ~~submit~~ a statistical report ~~to the~~  
3 ~~department~~ indicating the number of licenses applied for, issued, denied, suspended,  
4 and revoked under this section during the previous calendar year. For the licenses  
5 denied, the report shall indicate the reasons for the denials and the part of the  
6 application process during which the reasons for denial were discovered. For the  
7 licenses suspended or revoked, the report shall indicate the reasons for the  
8 suspensions and revocations.

9 (b) By March 1 of each year, the department shall submit a statistical report  
10 to the legislature under s. 13.172 (2) and to the governor that is compiled from the  
11 reports submitted under par. (a) and that indicates the number of licenses applied  
12 for, issued, denied, suspended, and revoked under this section during the previous  
13 calendar year. For the licenses denied, the report shall indicate the reasons for the  
14 denials and the part of the application process in which the reasons for denial were  
15 discovered. For the licenses suspended or revoked, the report shall indicate the  
16 reasons for the suspensions and revocations.

17 (20) LAW ENFORCEMENT EXCELLENCE FUND. (a) If a county's sheriff issues licenses  
18 under sub. (2) (a) or is party to an agreement under sub. (2) (c), the county board shall  
19 establish a law enforcement excellence fund. All money received by a sheriff from  
20 payments made under subs. (7) (b) and (15) (b) 4. d. shall be deposited in accordance  
21 with s. 59.25 (3) (u) ~~4.~~ in the law enforcement excellence fund established under this  
22 subsection.

23 (b) A law enforcement excellence fund established under this subsection shall  
24 be used to improve law enforcement services in the county and may not be used to  
25 supplant or replace other funds otherwise available to the sheriff.